

739730_1
JMS/SB/atc
July 17, 2007

PATENT APPLICATION
DOCKET NO. 2814.2008-001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Andy H. Levine, John F. Cvinar and John C. Meade

RECEIVED
CENTRAL FAX CENTER

Application No.: 10/811,293

Group: 3738

JUL 18 2007

Filed: March 26, 2004

Examiner: Cheryl L. Miller

Confirmation No.: 8260

For: ANTI-OBESITY DEVICES

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P O Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:	
7-18-07	<i>Amy Comeau</i>
Date	Signature
<i>Amy Comeau</i>	
Typed or printed name of person signing certificate	

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Supplemental Information Disclosure Statement is submitted:

- ☐ under 37 CFR 1.97(b), or
(Within any one of the following time periods: three months of filing national application (other than a CPA) or date of entry of the national stage in an international application, or before the mailing date of a first office action on the merits in a non-provisional application, including a CPA, or a Request for Continued Examination).
- ☒ under 37 CFR 1.97(c) together with either:
☐ a Statement under 37 CFR 1.97(e), as checked below, or
☒ a \$180.00 fee under 37 CFR 1.17(p), or
(After the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)
- ☐ under 37 CFR 1.97(d) together with:
☐ a Statement under 37 CFR 1.97(e), as checked below, and
☐ a \$180.00 fee under 37 CFR 1.17(p), or
(Filed after final action or notice of allowance, whichever occurs first, but on or before payment of the issue fee)
- ☐ under 37 CFR 1.97(i):
Applicant requests that the IDS and cited reference(s) be placed in the application file.
(Filed after payment of issue fee)

07/19/2007 TL0111 00000029 000300 10011293

01 FC:1806

180.00 DA

10/811,293

-2-

Statement Under 37 CFR 1.97(e)

- ☐ Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Statement Under 37 CFR 1.704(d) (Patent Term Adjustment)*Applies to original applications (other than design) filed on or after May 29, 2000*

- ☐ Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.
- ☒ Enclosed herewith is a Listing of References:
- ☐ Copies of the cited references are enclosed.
- ☒ Copies of issued U.S. patents and published U.S. applications are not required and are not being provided.
- ☐ Copies of the cited references are enclosed except those entered in prior application, U.S. Application No. [], to which priority under 35 U.S.C. 120 is claimed. [OPTIONAL [The earlier application contains copies of the cited references.]]
- ☐ The listed references were cited in the enclosed International Search Report in a counterpart foreign application.
- ☐ The "concise explanation" requirement (non-English references) for reference(s) [] under 37 CFR 1.98(a)(3) is satisfied by:
- ☐ the explanation provided on the attached sheet.
- ☐ the explanation provided in the Specification.
- ☐ submission of the enclosed International Search Report.
- ☐ submission of the enclosed English-language version of a foreign Search Report and/or foreign Office Action.
- ☐ the enclosed English language abstract.

RECEIVED
CENTRAL FAX CENTER

Jul-18-07 02:40pm From:HBS&R

1978-341-0136

T-081 P.20/21 F-877

10/811,293

JUL 18 2007

-3-

- ☐ Applicant requests that the following non-published pending applications be considered:
(Affix a label or apply the stamp "Non-Published IDS Reference - Do Not Scan" to the front of each unpublished pending appl'n.)

Examiner's
Initials

____ U.S. Patent Application No. [], by [inventor(s)], filed [], Docket No.: []
____ U.S. Patent Application No. [], by [inventor(s)], filed [], Docket No.: []
____ U.S. Patent Application No. [], by [inventor(s)], filed [], Docket No.: []

Examiner

Date

- ☐ A copy of each above-cited application, including the current claims, is enclosed, except any application filed on or after June 30, 2003, which has been scanned into the PTO's Image File Wrapper (IFW) system and is available to the examiner.
- ☐ A copy of each above-cited application, including the current claims, is enclosed, except those entered in prior application, U.S. Application No. [], to which priority under 35 U.S.C. 120 is claimed.

The Examiner is requested to return a copy of the above list of pending applications indicating which references were considered with the next office communication.


It is requested that the information disclosed herein be made of record in this application.

Method of payment:

- ☐ A check for the fee noted above is enclosed, or the fee has been included in the check with the accompanying Reply.
- ☒ Please charge Deposit Account 08-0380 in the amount of \$180.00
- ☒ Please charge any deficiency in fees and credit any overpayment to Deposit Account 08-0380.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By 
James M. Smith
Registration No. 28,043
Telephone: (978) 341-0036
Facsimile: (978) 341-0136

Concord, MA 01742-9133

Dated: 7/18/07

**RECEIVED
CENTRAL FAX CENTER**

Jul-18-07 02:40pm From:HBS&R

1978-341-0136

T-081 P.21/21 F-877

JUL 18 2007

Sheet 1 of 1

Substituted for form 1449B/PTO SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION LISTING OF REFERENCES July 17, 2007 (Use several sheets if necessary)	ATTORNEY DOCKET NO 2814.2008-001		APPLICATION NO. 10/811,293	
	FIRST NAMED INVENTOR Andy H. Levine		FILING DATE March 26, 2004	
	EXAMINER Cheryl L. Miller	CONFIRMATION NO. 8260	GROUP 3738	

U.S. PATENT DOCUMENTS				
EXAM- INER INI- TIAL	REF NO.	DOCUMENT NUMBER Number-Kind Code (if known)	ISSUE DATE / PUBLICATION DATE MM-DD-YYYY	NAME OF PATENTEE OR APPLICANT OF CITED DOCUMENT
	AK20	2005/0256587 A1	11/17/2005	Egan
	AA21	2006/0161265	07/20/2006	Levine <i>et al.</i>
	AB21	2006/0161172	07/20/2006	Levine <i>et al.</i>
	AC21	2006/0155312	07/13/2006	Levine <i>et al.</i>
	AD21	2007/0083271	04/12/2007	Levine <i>et al.</i>
	AE21	2007/0032879 A1	02/08/2007	Levine <i>et al.</i>
	AF21	2007/0027548	02/01/2007	Levine <i>et al.</i>
	AG21	2002/0022853 A1	02/21/2002	Swanson <i>et al.</i>
	AH21	5,123,917	06/23/1992	Lee
	AI21	5,152,782	10/06/1992	Kowligi <i>et al.</i>
	AJ21	5,735,892	04/07/1998	Myers <i>et al.</i>
	AK21	6,027,526	02/22/2000	Limon <i>et al.</i>
	AA22	6,355,056 B1	03/12/2002	Pinheiro
	AB22	6,383,214 B1	05/07/2002	Banas <i>et al.</i>
	AC22	6,740,121 B2	05/25/2004	Geitz
	AD22	6,960,233 B1	11/01/2005	Berg <i>et al.</i>
	AE22	7,087,088 B2	08/08/2006	Berg <i>et al.</i>
	AF22	7,122,058	10/17/2006	Levine <i>et al.</i>
	AG22	7,211,114 B2	05/01/2007	Bessler <i>et al.</i>

EXAMINER	DATE CONSIDERED
----------	-----------------

739713_1